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SUBJECT: IRELAND - SEVENTH ANNUAL TRAFFICKING IN PERSONS  
(TIP) REPORT

REF: SECSTATE 202745 DEC 06

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11. (SBU) Summary: Ireland's awareness of and positive performance on trafficking in persons (TIP) issues increased significantly in 2006, while the overall estimated number of suspected trafficking victims remained small. Numerous public awareness campaigns, sponsored by the Government and NGOs, drew attention to Ireland's relatively new status as an immigration magnet and to the related possibility that the country, over time, could become a trafficking destination for the sex industry and cheap labor. Recognizing the need to preempt this possibility, the Government drafted two new legislative bills that will address acknowledged gaps in anti-trafficking laws and bring Ireland into conformity with UN and EU regulations. The Government also took the first steps towards signing the Council of Europe Convention on Action Against Trafficking in Human Beings. The Secretary General of the Department of Justice, Equality, and Law Reform (DOJ) confirmed that Ireland would sign the Convention in late March 2007.

In 2005, the Government established a TIP inter-agency Working Group that drew primarily from the DOJ and National Police (Garda). In 2006, the Government made the Working Group a permanent body and expanded its membership to include representatives from the Department of Enterprise, Trade and Employment (DETE), the Department of Foreign Affairs (DFA), the Health Services Executive (HSE) and the Irish Naturalisation and Immigration Service (INIS), which is part of the DOJ. The Garda continued three investigative operations from 2005: Operation Quest, which investigates brothels and lap-dance clubs; Operation Hotel, which coordinates action against trafficking on a nationwide basis; and Operation Poppy, which investigates the use of falsified Irish passports for trafficking and smuggling. The Garda also continued a joint program with the United Kingdom, Operation Pentameter, which investigates trafficking movement between the two countries. In December 2006,

the Garda piloted a new training program for working with suspected trafficking victims, which was created with input from several NGOs. In 2007, this program will become a standard module in the basic training of new Garda recruits and will become part of their in-service training system (the continuing education system for all Garda officers).

Growing attention to trafficking has accompanied Ireland's increasing awareness that its new wealth has brought significant demographic changes and new social problems. Once a poor nation characterized by large-scale emigration, Ireland is now economically prosperous and an attractive destination for thousands of asylum and employment seekers. The unprecedented flow of people into Ireland has prompted the Government to address issues relating to border control, residency rights, labor standards, and social inclusion.

Although reliable trafficking statistics in Ireland in 2006 are difficult to determine, Government officials and NGOs estimate that there were 5-20 suspected cases in 2006. One of Ireland's most vocal NGOs said that this estimate represents the number of potential victims who sought aid with its organization, but other NGO and Garda estimates stand-by these numbers as estimates for trafficking cases in total. All NGO representatives agreed that specific numbers of victims are difficult to determine given the nature of trafficking. NGOs are concerned with two shifts in the sex industry in the last decade: the increase of non-national women, who they believe are more easily exploited, and the increasing tendency to move the sex trade off the streets and behind closed doors where it is harder to detect. With that in mind, the Garda continued to focus on brothels in 2006 as part of Operation Quest.

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12. (SBU) Post has engaged the Irish Government at the highest levels to stress Ireland's role in fighting European and global trafficking. We also have urged the Government to develop a national action plan, and to move draft anti-trafficking legislation forward as quickly as possible. The Ambassador, DCM, POL/ECON chief, and Embassy political officers discussed trafficking with the DFA, DOJ, DETE, HSE, INIS, and local Garda as well as numerous NGOs. Post will continue to urge the Government and NGOs to improve cooperation to identify, assess, and prosecute cases of trafficking. End Summary.

13. (SBU) The following items are keyed off reftel.

Overview:

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-- A. Is the country a country of origin, transit, or destination for international trafficked men, women, or children? Specify numbers for each group; how they were trafficked, to where, and for what purpose. Does the trafficking occur within the country's borders? Does it occur in territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? Please include any numbers of victims. What is (are) the source(s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

While there are no official estimates of the number of trafficking victims in Ireland, there are indicators and anecdotal evidence that Ireland might be, on a very

limited scale, a destination and transit country for international trafficking victims. NGO estimates for the total number of actual trafficking cases in 2006 varied between 5 and 20. Many of these cases overlapped with Garda investigations, so the total number of cases is estimated to be less than 20. Representatives of Ruhama, an NGO that aids prostitutes, said that most of the victims they encountered were identified as foreign women between 18 and 25 years of age from Eastern Europe and Africa (Nigeria was specifically named). Ruhama representatives stated that they worked with about 19 young women in 2006 whom they suspected were trafficking victims. In each case where the victim was willing, Ruhama referred the case to the Garda. One trend that Ruhama representatives noted was that many prostitutes, especially those from other countries, are no longer working the streets, but are increasingly working in private apartments/houses that function as brothels.

In 2006, Garda continued Operation Quest, which targeted brothels. Since August 2005, investigators involved in Operation Quest have raided 12 brothels in Dublin and, according to press reports, are preparing "a number of cases" for prosecution. However, no allegations of trafficking have emerged during the investigations, according a Garda contact.

Dublin-based representatives from the International Organization for Migration (IOM) believed that they worked with between 5 and 7 potential trafficking victims in 2006. The IOM referred to the Garda the cases of two South African women suspected of being victims of trafficking for domestic labor. IOM representatives also met with a Malaysian woman who was likewise a suspected victim of trafficking for domestic labor, but she refused to speak with the Garda. All three women returned to their home countries with the aid of the IOM. The IOM also worked with three other

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women ? a Nigerian, a Russian, and a Cameroonian ? who were suspected of having been trafficked for sexual exploitation. The three cases were referred to the Garda for investigation, and all three women returned to their countries of origin.

Unaccompanied minors entering Ireland have continued to be an area of concern for both the Government and NGOs. When minors (anyone under 17) come to Ireland without a parent or guardian, they are automatically placed into care facilities overseen by the Health Services Executive (HSE), the administrative body that runs the healthcare system. According to an HSE official, the majority of these children travel to Ireland to join their families who have already established residency or are waiting for an asylum decision. However, those children not reunited with their families are placed in foster care or in a Government-run hostel. These children are considered to be at a higher risk for trafficking. In 2006, the media focused on the number of children who disappear from the HSE hostels each year. Garda investigations indicated that many of the children considered missing had entered Ireland for work purposes and that they were actually older than they had claimed upon entry. Others were children of illegal immigrants and had been reunited with their families. NGO representatives speculated that some of those children not accounted for were victims of trafficking. Garda officials, however, investigate all cases of missing children in Ireland, and no instances of trafficked children have been discovered.

-- B. Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report (e.g. changes in direction). Also briefly explain the political will to address

trafficking in persons. Other items to address may include: What kind of conditions are the victims trafficked into? Which populations are targeted by the traffickers? Who are the traffickers? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used?).

NGO and Government contacts agreed that the majority of suspected trafficking cases involved women who were brought into Ireland for the sex industry. Most cases involved Eastern European women, with a limited number of people from Asia, Africa and South America. Most suspected victims entered Ireland legally, either from EU Member States or with a valid visa. Also, since Ireland shares a Common Travel Area with the United Kingdom, many were suspected to have entered Ireland through the UK and Northern Ireland. Garda believe that organized criminal gangs of foreign nationals facilitated much of the suspected sex trade trafficking and that these gangs also arranged for the victims' employment and accommodation in brothels. The criminal gangs reportedly solicit clients via text and voice mobile phone contacts and the use of the Internet. During the investigations, many women interviewed stated that they had been recruited in their home countries, where they had already been working in the sex industry, and that they had traveled voluntarily. Garda National Immigration Bureau (GNIB) officials suspect some use of fraudulent documentation in cases involving victims from West Africa and non-EU East European nations.

-- C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

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For several consecutive years, the Irish Government has enjoyed a budget surplus, and there are no unique limitations on resources to address trafficking. Irish police and border authorities are competent and well-run. The Government has acknowledged the need for new legislation that specifically defines and outlaws trafficking in persons, even though there are already in place a number of legislative measures criminalizing actions that would be categorized as trafficking (see section A under Investigation and Prosecution). The DOJ is drafting legislation, the Criminal Law (Trafficking in Persons and Sexual Offences) Bill, that will bring Ireland into conformity with UN, EU and COE anti-trafficking regulations and give police more precise legal tools. The DOJ has published this legislation in outline form on its website, and Government officials expect this legislation to be introduced to parliament in 2007. A limitation on the Government's ability to address trafficking would be lack of experience with TIP issues, since immigration into Ireland, including illegal immigration, is a relatively new phenomenon. The Government is now striving to deploy the necessary staff, resources, and procedures to deal with this increased flow.

-- D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, prevention and victim protection) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The Government established a TIP Working Group in 2005

that coordinates the anti-trafficking efforts of the Department of Justice, DETE, Department of Foreign Affairs, GNIB, INIS, and the Health Services Executive. The Working Group liaises with various Irish and international NGOs on TIP programs and the identification of possible victims. The TIP Working Group issued its first report in May 2006 and expects to issue its second report in the summer 2007. The Government actively engages with international organizations dealing with trafficking, including the UN, EU, and OSCE, and works bilaterally with countries that are transit or source countries of the sex industry. The GNIB works under the Irish National Police but carries out its immigration functions on behalf of the Minister of Justice. This system ensures a sharing of information among immigration policy-makers, immigration officers, and national police. A GNIB official, in addition to representing Ireland at the EU Border Agency in Warsaw, participates in an information-sharing forum of NGOs working to combat trafficking and to deter violence against women. Given the limited number of trafficking cases identified in Ireland, the Government does not specifically track, and therefore does not publish, trafficking statistics.

#### PREVENTION:

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-- A. Does the government acknowledge that trafficking is a problem in that country? If no, why not?

The Irish Government acknowledges that Ireland is a potential destination and transit country for trafficking and that a very limited number of trafficking victims have been identified. It has not found evidence that the problem presently exists in any measurable scale. It actively investigates all credible allegations of trafficking.

-- B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

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The Department of Justice, Equality and Law Reform (DOJ) has a significant role in anti-trafficking efforts since it is responsible for criminal law and law enforcement policy, immigration and border control laws, and gender equality. The DOJ heads the TIP Working Group. The Working Group released its first report, "Trafficking in Human Beings" in May 2006. This report can be found on the DOJ website at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6PHDTQ-en/\\$File/THBreport.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6PHDTQ-en/$File/THBreport.pdf).

Agencies of the Irish National Police (Garda) are primarily responsible for operational anti-trafficking efforts. The Garda National Immigration Bureau (GNIB) is responsible for all matters pertaining to immigration. Within the Garda's National Support Services, the National Bureau of Criminal Investigation has responsibility for investigations of trafficking in human beings.

In conjunction with the GNIB, the Departments of Justice and Foreign Affairs participate in regional and international conferences on trafficking. The Department of Foreign Affairs (DFA) also is engaged through development assistance, EU, COE and OSCE obligations, and the co-sponsorship of resolutions at the UN and UNHCR.

The Department of Enterprise, Trade and Employment (DETE) has a role in relation to the protection of workers rights and would be involved in any cases of suspected trafficking of forced laborers.

The Health Service Executive (HSE) has particular responsibilities with regard to the welfare of child victims of human trafficking. The Refugee Act 1996 requires immigration officers and members of the Garda who encounter minors unaccompanied by parents or guardians to place them in the care of the HSE.

-- C. Are there, or have there been, government-run anti- trafficking information or education campaigns? If so, briefly describe the campaign(s), including their objectives and effectiveness. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor).

The Minister for Justice launched an awareness campaign in May 2006 as part of Ireland's participation in the United Kingdom's Operation Pentameter, a law enforcement effort that targets organized criminal gangs involved in trafficking. The campaign mostly consisted of posters, translated into several languages, that were strategically placed at locations where vulnerable non-Irish nationals were known to frequent or pass through, i.e. airports, bus and rail stations, ports, hospitals, pubs, nightclubs and Garda Stations. The posters listed a toll-free number for secure and confidential calls and encouraged victims of human trafficking to report their situation to the authorities. The posters also requested men who used prostitutes to report, on a confidential basis, if they come across women they believed were being held against their will.

The Sexual Violence Centre in Cork, which is partially funded by the Government, launched a sex trafficking awareness campaign in June 2006 aimed at raising public awareness on trafficking issues in Ireland and Cork in particular. The program consisted of posters, brochures, and a street campaign aimed at raising awareness of trafficking for sexual exploitation.

-- D. Does the government support other programs to prevent trafficking? (e.g., to promote women's participation in economic decision-making or efforts to keep children in school.) Please explain.

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The Irish Government co-funds the Dublin-based International Organization of Migration's (IOM) "Return and Reintegration" program, which is designed to reunite families divided by migration.

The Garda have a Racial and Intercultural Office to train the police to interact effectively with the new minorities who have immigrated to Ireland in recent years. The training focuses on gaining the trust of minority communities and encouraging community members to approach the police and report crime.

-- E. What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

The working relationship between Government officials and NGOs is excellent. While several NGOs would like to see more support for trafficking victims, all the NGOs reported a good rapport among their organizations and various Government offices, including the Garda and the DOJ. Government officials also reported close working ties to a number of NGOs. One Garda official noted that, although the NGOs and Government did not always agree on certain issues or the number of potential victims in Ireland, they were mutually respectful and shared the same goals of stopping trafficking and aiding victims of trafficking.

The Irish Naturalisation and Immigration Service (INIS) division of the Department of Justice works closely with the GNIB to combat illegal immigration. To facilitate the tracking of potential victims, the GNIB shares its immigration database with local Garda precincts and a UK immigration official posted to the GNIB headquarters. Cooperation and coordination with NGOs takes place through direct contacts between the Irish Government and the relevant NGOs. Ireland en Route (IER) is a loose network of Government agencies, NGOs, academics and other experts who meet three times per year to communicate on topics such as training for police, EU and domestic legislation, best practices and other trafficking issues. It is not a national action plan or task force, but does facilitate the coordination of anti-trafficking efforts.

The Department of Justice consulted widely with transportation companies prior to the introduction of legal sanctions in the Immigration Act 2003. This Act followed the 2001 creation of a voluntary Code of Practice with the Irish Road Haulage Association to encourage greater vigilance in ensuring that covert passengers were not present in vehicles arriving in Ireland.

-- F. Does it monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

Yes, the Government monitors its borders and immigration/emigration patterns for evidence of trafficking, and law enforcement agencies respond appropriately to such evidence. Immigration officers are present at all air and seaports within the state. In 2003, a new information technology system equipped with a passport reader and facial recognition technology was introduced to allow immigration officers at the border to link-up with a database at GNIB headquarters in Dublin. Through this system, a range of reports on immigration-related issues are generated on a daily basis enabling identification of patterns, trends, and modus operandi with regard to a wide range of immigration-related criminal activity. Detection and investigation of potential incidents of human trafficking is facilitated by the GNIB. Immigration officials also take

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fingerprints of most visitors entering the country who have entry visas.

Ireland has a land border with Northern Ireland that is difficult to monitor due to numerous unmanned crossing points, which, according to police, are popular points of entry for illegal immigrants. An estimated 12,000 illegal movements take place at the border with Northern Ireland every year. Immigration officers from the GNIB and from local districts monitor certain crossing points periodically.

A new Immigration, Residence and Protection Bill (separate from the Criminal Law (Trafficking in Persons and Sexual Offences) Bill mentioned in section C) was drafted and published in 2006 and immigration officials expect to present the Bill to parliament in 2007. The Bill will strengthen the reporting requirements for persons entering Ireland and the carriers involved in transporting them. In an effort to monitor the movements of unaccompanied minors, the Bill will require that all foreign national entering the country register with the GNIB (at present registration is required only for those over age 16).

-- G. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related

matters, such as a multi- agency working group or a task force? Does the government have a trafficking in persons working group or single point of contact? Does the government have a public corruption task force?

In 2006, Ireland's multi-agency Working Group became a permanent part of the Department of Justice. The group expanded in 2006 to include members from the Department of Enterprise, Trade and Employment (in order to address issues of trafficking for forced labor) and the Health Services Executive (to concentrate on trafficking of children). The group also included members from the INIS, the Department of Foreign Affairs, the Department of Justice, and the Garda.

On international and multilateral levels, Ireland engages on trafficking issues through its participation in the EU, UN, OSCE, and COE. The Department of Foreign Affairs has the lead and coordinates Ireland's participation with all relevant ministries.

The GNIB worked directly with several foreign police departments on trafficking issues in 2006. In addition to ongoing cooperation with the UK on Operation Pentameter, Garda contacts said they began working with Lithuanian authorities in 2006 on anti-trafficking measures due to the high number of Lithuanian citizens in Ireland (an estimated 70,000-100,000, according to the Lithuanian Embassy in Dublin) and the high level of fraud with Lithuanian passports.

De facto law enforcement coordination exists as a result of the multiple functions of the GNIB. The GNIB works under the direction of the Garda, but its immigration function is carried out on behalf of the Minister of Justice. This ensures constant contact between immigration policy makers, immigration police and regular police.

-- H. Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

The Government has not published a plan to address trafficking exclusively. Rather, the inter-agency Working Group, with NGO input, coordinates on Government

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measures that focus on trafficking, as described above.

#### INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

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-- A. Does the country have a law specifically prohibiting trafficking in persons--both trafficking for sexual exploitation and trafficking for non-sexual purposes (e.g. forced labor)? If so, what is the law? Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of coercion or fraud? Are these other laws being used in trafficking cases? Are these laws, taken together, adequate to cover the full scope of trafficking in persons? Please provide a full inventory of trafficking laws, including civil penalties, (e.g., civil forfeiture laws and laws against illegal debt).

There are presently five Laws that deal with trafficking in persons - The Immigration Act 2003, The Illegal Immigrants (Trafficking) Act 2000, The Child Trafficking and Pornography Act 1998, The Proceeds of Crime Act 1996 and The Criminal Law (Sexual Offenses) Act 1993. Under



current Irish law, "trafficking" encompasses both smuggling and trafficking.

In July 2006, the Irish Government authorized the DOJ to draft a Criminal Law (Trafficking in Persons and Sexual Offences) Bill. The Bill will separate trafficking offenses from smuggling. Under the new Criminal Law, convicted traffickers will be liable up to life imprisonment when a victim is under 18 years or up to 14 years imprisonment when the victim is an adult. The Office of the Parliamentary Counsel is finalizing the technical drafting of the Bill, which is expected to be published later this year. Government officials expect to present this legislation to Parliament in 2007. The proposed Bill can be viewed on the Department of Justice, Equality and Law Reform website at [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6PHDTQ-en/\\$File/THBreport.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6PHDTQ-en/$File/THBreport.pdf).

The Immigration Act 2003 requires carriers operating aircraft, ferries, or other vehicles bringing persons to Ireland from any area except the Common Travel area between Ireland and the UK, to ensure that those passengers are in possession of the necessary immigration documentation. The Act provides for a fine for passengers traveling with inadequate documentation.

In addition, the Act requires Government departments, local authorities, health boards, the Garda, and refugee applications determination bodies to share information on non-nationals, including applicants for refugee status, in order to ensure compliance with laws relating to their entry, residence, and removal from the State.

The Illegal Immigrants (Trafficking) Act 2000 made it an offense for a person to organize or knowingly facilitate the entry into the State of a person whom he knows to be, or has reasonable cause to believe to be, an illegal immigrant or person who intends to seek asylum. While this law more correctly describes smuggling, a trafficker would also be subject to this law. Section 2 of this Act would apply most readily to traffickers, as it specifically prohibits bringing in illegal immigrants for the financial gain of those facilitating the entry. The penalty on conviction of indictment for this offense is an unlimited fine, or up to 10 years imprisonment, or both. The penalty for a guilty plea, however, is a maximum of 12 months incarceration and a fine not to exceed euro 1,500.

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The Child Trafficking and Pornography Act makes it an offense, inter alia, to organize or knowingly facilitate the entry into, transit through, or exit from the State of a child for the purpose of sexual exploitation, or to provide accommodation to such a child while in the State. The maximum penalty is life imprisonment.

The Proceeds of Crime Act allows for the confiscation of assets of those involved in criminal activity, including trafficking in people. The assessment of tax liability on the illegal earnings may also be pursued. In addition, Ireland has comprehensive civil legislation that provides for seizure of assets acquired through criminal activity. A criminal conviction is not necessary before a civil case can be filed, and the burden of proving that the assets are not the proceeds of crime rests with the defendant in civil proceedings. The Criminal Assets Bureau implements this legislation working with other Government agencies.

The Criminal Law (Sexual Offences) Act of 1993 prohibits and penalizes those found soliciting or importuning for the purpose of prostitution. The act also penalizes those controlling or directing the activities of a

prostitute, organizing prostitution by controlling or directing the activities of more than one prostitute for the purpose of prostitution, or compelling or coercing a person to be a prostitute.

False imprisonment is an offence under section 15 of the Non-Fatal Offences against the Person Act 1998 and is punishable by up to life imprisonment.

The Slave Trade Act 1824 renders all operations in connection with the slave trade illegal and slavery or servitude is prohibited under the Irish Constitution (Article 40).

-- B. What are the penalties for traffickers of people for sexual exploitation? For traffickers of people for labor exploitation?

The one crime of trafficking covers both offenses. If the circuit court deals with a case, then the penalty can include up to a 1,500 euro fine and 12 months in jail. If a case is appealed to the district court, then the penalty is a maximum of ten years imprisonment. There is no cap on the fine.

-- C. What are the penalties for rape or forcible sexual assault? How do they compare to the penalty for sex trafficking?

Under Irish Law, the maximum sentence possible for rape is life imprisonment (eight years is the average sentence), and the maximum possible sentence for aggravated sexual assault is life imprisonment. This is similar to the penalty for Child Trafficking as provided for in the Child Trafficking and Pornography Act 1998.

-- D. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be covered by state, local, and provincial authorities.

Prostitution itself is not illegal under Irish law, but it is an offense to solicit another person for the purposes of prostitution, to be involved in organized prostitution, or to live off the proceeds of a third party's income from prostitution (pimping). Under the Criminal Law Amendment Act 1885, it is also illegal to

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procure a woman or girl to become a prostitute, to leave the country to become a prostitute, or to leave her usual place of abode to become a prostitute. Brothels, defined as establishments of two or more women made available for prostitution, are illegal. Under the above mentioned Act, it is an offence to detain any woman or girl against her will in a brothel. A woman or girl is deemed to have been detained in a brothel where, inter alia, property belonging to her is withheld.

-- E. Has the government prosecuted any cases against traffickers? If so, provide numbers of investigations, prosecutions, convictions, and sentences, including details on plea bargains and fines, if relevant and available. Are the traffickers serving the time sentenced: If no, why not? Please indicate whether the government can provide this information, and if not, why not? (Note: complete answers to this section are essential. End Note)

In December, a Congolese man was convicted and sentenced to 15 years imprisonment for sexual violence offences

against two female minors. One of the victims was a 15-year-old girl he claimed to have married after paying "a dowry of goat, a length of fabric, a frying pan and ?500." The other victim was a 13-year-old girl whom he and his wife had brought to Ireland to "help rear their children." Although Garda and DOJ officials considered this to be a trafficking case, the Director of Public Prosecutions sought prosecution for several sexual violence charges because the available evidence and likelihood of prosecution was stronger on those charges. Police detectives from the girls' country attended the trial in Ireland. Both girls also traveled back to their country to testify in a related case. One of the girls remained in her home country while the other victim chose to return to Ireland, where she is seeking asylum. She has been granted legal status while her application is being processed.

In March, a newspaper reported the investigation into a Romanian woman's account of forced prostitution and false imprisonment by a Romanian man who helped her and her three children obtain visas to Ireland. The Garda investigated the information she provided and worked with Interpol to track down leads in Romania. The case is still under investigation.

In January 2005, the GNIB charged a Nigerian-born Irish citizen under trafficking laws for attempting to bring 12 Mauritian nationals into the country. This case was referred to the Circuit Court, and a June 2007 trial date was set. The man is currently released on a 10,000 euro bail bond. Garda officials traveled to Mauritius in 2006 to interview the 12 suspected victims. The interviews did not indicate that the 12 Mauritian citizens were victims of trafficking, but that they had been attempting to enter Ireland for the purpose of obtaining employment.

In 2006, there were no prosecutions or convictions specifically for trafficking. Three people were convicted under the Illegal Immigrants (Trafficking Act) 2000, but these cases were human smuggling rather than trafficking.

Targeted Garda operations uncovered a small number of suspected trafficking cases. The majority of these cases involved Eastern European nationals suspected of trafficking countrywomen into Ireland to work in the sex industry. The Garda have also encountered a small number of suspected cases of African children being trafficked into Ireland for the purpose of sexual exploitation and forced labor within African communities in Ireland (see case sample above). Garda are currently investigating 10 cases of suspected trafficking.

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-- F. Is there any information or reports of who is behind the trafficking? For example, are the traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel, and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals? Are government officials involved? Are there any reports of where profits from trafficking in persons are being channeled? (e.g. armed groups, terrorist organizations, judges, banks, etc.)

Government contacts suspected that organized criminal elements, mainly from Eastern Europe, and individual traffickers from Africa were responsible for a portion of the limited amount of trafficking in Ireland. NGO accounts from possible trafficking victims suggested that trafficking occurred along nationality lines. One example given by an NGO representative was of Lithuanian women being brought in by Lithuanian contacts for

prostitution solely among the Lithuanian immigrant population in Ireland.

While evidence of the involvement of criminal gangs is scarce, Ireland has undertaken a number of Garda operations to prevent and detect such activity, including Operation "Hotel", Operation "Quest" and Operation "Poppy," described below.

There are no allegations of involvement by Government officials.

-- G. Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government? Does the criminal procedure code or other laws prohibit the police from engaging in covert operations?

The Government does actively investigate alleged cases of trafficking. When there is suspicion of trafficking, the Government responds appropriately. Since the enactment of the Illegal Immigrants (Trafficking) Act 2000 approximately 100 people have been arrested on suspicion of committing offences under the Act. Four people have been charged with breaches of section 2(1) - aiding or facilitating the entry of an illegal alien into the country for profit. Two people were convicted of smuggling, and two are awaiting trial on charges of smuggling.

There are approximately 10 alleged breaches of the Illegal Immigrants (Trafficking) Act 2000 currently under investigation, although the majority of these cases relate to smuggling.

As mentioned above, the Garda have several active operations in place to investigate suspected trafficking activity. These included:

Operation Quest, in which Garda continued to raid lap-dance clubs and brothels, thoroughly questioned those involved in the raids, and maintained contact in subsequent months, to determine if any of the workers were trafficking victims. Even though the underlying motive for the investigations was suspicion of trafficking, no workers claimed to be trafficked, and Garda prosecuted only for work permit violations and prostitution violations.

Operation Hotel, a joint effort between the Criminal

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Assets Bureau, the Garda fraud unit, the National Bureau of Criminal Investigations and the Garda National Immigration Bureau, investigates allegations of trafficking nationwide. Since its inception in 2005, Garda have arrested three individuals on non-trafficking related offenses.

Operation Poppy was established in 2005 to prevent the illegal use of Irish passports in smuggling or trafficking instances. In one case, investigations revealed the use of 13 Irish passports in efforts to smuggle Romanians into the country.

The Irish Criminal Code does not prohibit or regulate covert operations.

-- H. Does the government provide any specialized training for government officials in how to recognize,

investigate, and prosecute instances of trafficking?

The Government provides training in country and sends officials to seminars and conferences abroad. Some examples follow:

-- In July, the Dublin-based office of the International Organization for Migration (IOM) conducted a two-day training seminar titled "The Training of Border Guards, Border Police and Customs Officials in Identifying of and Providing Assistance to the Victims of Trafficking." Attendees included Garda Training College personnel, GNIB officers, immigration officials, and UK law enforcement officials. This course was sponsored by the Belgian and Hungarian Governments in cooperation with the European Commission. IOM contacts said that the Government has already expressed interest in running this program again in 2007.

--In December, a similar victim recognition and assistance training seminar was developed and piloted by the Garda with the assistance of the NGO Ruhama. This program will now be provided to key Garda personnel throughout Ireland as part of their continuous professional development program. The training program has been designed specifically to enable Garda to identify the victims of trafficking, including children, whom they encounter in the course of their duties. The program also aims to ensure that Garda fully understand the complexity of trafficking issues and that victims receive appropriate assistance. To date, this training has been delivered to immigration officers and members of district detective units, on a national basis.

--In addition to this program, a new training module on the phenomenon of human trafficking will be included as part of the overall training for new Garda recruits and will be part of the organization's in-service training system.

--Irish law enforcement organizations take part in European-wide conferences on the prevention of organized exploitation of women and children and are part of the Interpol Working Group on Trafficking in Human Beings. This group developed a manual of best practices for investigators that provides practical guidelines for investigators and a structured way to locate advice on a specific issue.

--Garda personnel also regularly participate in courses organized by CEPOL, the European Police College, related to human trafficking. These courses are targeted at senior police officers who are responsible aiding in the prosecution of trafficking cases or organized crime cases, members of lecturing staff in national police training colleges, and chiefs of police and Government officials from relevant ministries dealing with questions of human trafficking.

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--As part of the EU AGIS program (a criminal justice cooperation program for EU Member States), the Garda hosted a conference in Dublin in November 2005 titled "Forum to Improve Best Practice in the Prevention, Detection and Investigation of Trafficking in Human Beings." The Conference was funded by the European Commission and the Irish Department of Justice, Equality and Law Reform.

--I. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking?

The Government does cooperate with other governments in the investigation of prosecution of trafficking victims.

Since Ireland and the United Kingdom share a Common Travel Area, the two countries have close cooperation on a number of immigration and trafficking investigations, including Operation Pentameter. The two countries also exchange liaison officers between GNIB and UK immigration Service (UKIS). In September, the two Governments signed a Memorandum of Understanding in relation to facilitating the systematic exchange of immigration-related information.

Ireland has also established operational cooperation with immigration and police authorities in Lithuania, Spain, the Netherlands, and France, major transit points for illegal immigration into Ireland, with a particular focus on trafficking and smuggling activity. Department of Justice officers are also assigned to the Irish Embassies in Russia, China, India, Egypt, and Nigeria to interact with local law enforcement authorities on immigration and trafficking matters. Additionally, the GNIB liaises with carrier companies whose routes may be vulnerable to traffickers.

On a multilateral level, a Garda officer is currently seconded to Interpol headquarters in Lyons, working as a Criminal Intelligence Officer in the Trafficking in Human Beings sub-directorate. Garda representatives are also part of the Interpol Working Group on trafficking in women.

-- J. Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

Ireland does extradite persons in certain circumstances with those countries with which it has extradition agreements in place. However, Irish courts take a very exacting approach toward such requests. Requests that do not fully comply with the standards set by the courts are often delayed or denied, as the legal presumption is against extradition. In addition, Irish courts will deny an extradition request if they feel that the defendant will not be given the same guarantees available under the Irish constitution in the requesting jurisdiction.

Within the European Union, persons can also be returned to their own jurisdiction under the provisions of the European Arrest Warrant Act 2004. In 2006, Ireland received three European Arrest Warrants from EU countries in relation to persons wanted on trafficking offences. Two cases are ongoing. In the third case the High Court ordered that the person be surrendered to the country in

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question. The domestic arrest is currently being processed.

-- K. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

There is no evidence of Government involvement in or tolerance of trafficking, on a local or institutional level.

-- L. If government officials are involved in trafficking, what steps has the government taken to end such participation? Have any government officials been

prosecuted for involvement in trafficking or trafficking- related corruption? Have any been convicted? What actual sentence was imposed? Please provide specific numbers, if available.

There is no evidence of Government involvement in trafficking.

-- M. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? Does the country's child sexual abuse laws have extraterritorial coverage (like the U.S. PROTECT Act)?

Ireland does not have an identified child sex tourism problem. The Government has authority to deport non-national pedophiles according to the strictures of its extradition treaty with the country of origin of the arrested individual.

-- N. Has the government signed ratified, and/or taken steps to implement the following international instruments? Please provide the date of signature/ratification if appropriate.

--ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor. ILO Convention 182 was ratified on December 12, 1999.

--ILO Convention 29 and 105 on forced or compulsory labor. ILO Convention 29 was ratified on June 11, 1958 and ILO Convention 105 was ratified on March 2, 1931.

--The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography. The Optional Protocol to the Convention on the Rights of a Child was signed on September 7, 2000, and ratifying legislation is pending.

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime. The Protocol to Prevent, Suppress, and Punish Trafficking in Persons was signed in December 2000, and ratifying legislation is pending.

According to DOJ officials, the enactment of the Criminal Law (Trafficking in Persons and Sexual Offences) Bill is the next step towards ratification of the final two protocols listed above.

The Minister for Justice, Equality and Law Reform announced in December 2006 his intention to ask the Government to sign the Council of Europe Convention on Action Against Trafficking in Human Beings. It is expected that the Convention will be signed during the first half of 2007. The Minister also announced that the Government intends, as part of the new Immigration, Residence and Protection Bill, to provide a policy

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statement on the issue of trafficking in human beings. This statement will be binding on staff dealing with persons who are victims of trafficking.

#### PROTECTION AND ASSISTANCE TO VICTIMS:

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-- A. Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to legal, medical and psychological services? If so, please

explain. Does the country have victim care and victim health care facilities? If so, can post provide the number of victims placed in these care facilities?

The current assistance program for trafficking victims uses partially Government-funded humanitarian NGO facilities and programs. Given the relatively small number of trafficking cases in Ireland, the Government and Garda refer potential victims on a case-by-case basis to organizations like Ruhama and the International Organization for Migration. These NGOs provide food, shelter, social and medical care, and legal assistance if desired.

The current immigration system allows Irish Naturalization and Immigration Service (INIS) authorities to provide potential victims with permission to remain in Ireland, as necessary. Government officials stated that, in addition to providing respite for the individual, it is in the interests of both the victims of trafficking and the authorities to co-operate to ensure the protection of victims and the prosecution of perpetrators.

Trafficking victims can also be assisted to return and reintegrate in their countries of origin with the aid of the International Organization for Migration. There are also links to the Red Cross which can help to establish contact with families in the country of origin.

The Government provides care for separated children seeking asylum and for unaccompanied minors entering Ireland. The Department of Health receives referrals from the INIS, the GNIB and the Office of the Refugee Applications Commissioner. The Health Service Executive (HSE) is responsible for the care of children (17 and younger) and provides social, medical, psychological, and educational services as well as family reunification, when possible. An HSE official estimated that HSE receives 13-15 cases per month, although the majority of these children are reunited with their families after familial ties are confirmed by HSE. There are approximately 300 children currently in care with the HSE, according to HSE contacts.

The proposed Immigration, Residence and Protection Bill will also include a trafficking victim's policy statement. This statement will codify the Government's various policies on how Government officials should assist potential trafficking victims and will be binding on the various agencies involved in immigration.

-- B. Does the government provide funding or other forms of support to foreign or domestic NGOs for services to victims? Please explain.

In 2006, the DOJ's Probation and Welfare Service provided euro 275,000 to Ruhama. The DOJ's Commission for the Victims of Crime also provided Ruhama with an additional euro 57,500 that was specifically earmarked as funds to cover living expenses while victims await court appearances.

The Government provided euro 838,000 to the local office

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of the International Organization for Migration in 2006 and has budgeted euro 810,000 for 2007. Although the IOM does not specifically address trafficking concerns, the organization is used as an assistance resource for those victims wishing to return to their home countries.

Ireland En Route (an anti-trafficking coalition of NGOs and Government officials) twice applied for funding from the DOJ's violence against women budget. They were granted euro 12,000 to set up the forum and euro 26,768



to employ an anti-trafficking coordinator. The Government also provides personnel to Ireland En Route

The Irish Government's Overseas Development Program, known as Irish Aid, provided a total of euro 2.042 million for on-going anti-trafficking programs:

Irish Aid provided euro 1.363 million to support the International Labour Organisation's (ILO) five-year regional program in Albania, Moldova and Ukraine, which promotes employment, vocational training and national policy measures to prevent and reduce trafficking in women.

In 2006, Irish Aid committed to fund euro 300,000 over three years to ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes), a global network of organizations working on issues of children's rights, child prostitution, child pornography and child trafficking for sexual purposes.

Also, under its Civil Society Fund, Irish Aid provided euro 379,000 over three years (beginning in 2005) to the Irish NGO, Children in Crossfire. The aim of this program is to combat trafficking in human beings, especially women and children, within South Asia by promoting the roles of community and local Government in the reduction of trafficking and by increasing the level of participation of poor women and children in social and economic activities.

-- C. Is there a screening and referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGO's that provide short- or long-term care?

Garda regularly make referrals to Ruhama and other NGOs, who then provide women with care and support.

-- D. Are the rights of victims respected, or are victims also treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

NGOs report that women suspected of being trafficking victims are generally treated well, although there have been instances in rural areas where Garda officials, unfamiliar with the trafficking phenomenon, have initially detained women in prison. Alleged victims have also been held in jail until the courts were satisfactorily able to determine their true identity.

Ireland is a signatory to the EU's Framework Decision on the Standing of Victims in Criminal Proceedings to harmonize the treatment of victims of crime across the EU. Government implementing legislation requires the Garda to show special sensitivity in relations to victims of sexual offenses.

-- E. Does the government encourage victims to assist in the investigation and prosecution of trafficking? May victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access

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to such legal redress? If a victim is a material witness in a court case against the former employer, is the victim permitted to obtain other employment or to leave the country? Is there a victim restitution program?

NGOs and Garda both reported that the Garda encourage women to assist in investigations, but do not pressure

them to do so. Some of the funding the NGO Ruhama received for victim support was specifically earmarked as funds to cover living expenses while victims awaited court appearances.

NGOs that work with migrant and immigrant workers reported assisting possible victims of labor trafficking in filing civil claims against their employers, although the situations described were cases of exploitation rather than trafficking. In the majority of cases, the courts found in favor of the plaintiff (employee). According to Department of Enterprise, Trade and Employment contacts, the legal status of a non-Irish employee had no bearing on cases brought to court.

-- F. What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? What type of shelter or services does the government provide? Does it provide shelter or any other benefits to victims for housing or other resources in order to aid the victims in rebuilding their lives? Where are child victims placed (e.g. in shelters, foster-care type systems or juvenile justice detention centers)?

The Government has a witness protection program, but no trafficking victims have, to date, been included in the program. There are no restrictions that would prevent a trafficking victim from participating in this program, if needed.

Both the Government and NGOs provide shelter to people in need, but because of the low number of suspected cases, there are no shelters specifically earmarked for victims of trafficking or smuggling.

Unaccompanied minors who enter the country are deemed vulnerable, and at risk to be picked up by traffickers. These children are turned over to the Health Service Executive (HSE) for care. The HSE is responsible for the appropriate placement of all children taken into their care, including placements in residential and foster care.

-- G. Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

Social workers, members of the Special Unaccompanied Minors Unit in the Dublin Health Service Executive, the GNIB, Garda, and staff of the Refugee Applications Commissioner are trained to spot possible trafficking victims. In addition, a new training module on human trafficking will be delivered to new Garda recruits and to existing Garda through the organization's in-service training system. The GNIB works closely with UK counterparts to review and track cases of suspected trafficking and employs an exchange program of officials with the UK to further bilateral cooperation in the field of immigration. While Department of Foreign Affairs officials participate in international conferences and

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training sessions, the diplomatic corps as a whole is not specifically trained regarding assistance or support for trafficking victims, although they do receive training in overall human rights issues, which includes trafficking.

-- H. Does the government provide assistance, such as

medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

The Government is not aware of any Irish nationals who have become victims of human trafficking.

-- I. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

There are several smaller NGOs, particularly minority or immigration rights NGOs, who may indirectly come into contact with trafficking victims. However, the most active organizations are:

- Ruhama - Ruhama provides support to prostitutes and women suspected of having been trafficked for sexual exploitation. Ruhama provides emergency accommodation, if possible, social and psychological support, referrals to health and legal authorities, and assistance in accessing educational and employment opportunities.

- International Organization for Migration, Dublin ? In relation to trafficking, IOM carries out information campaigns, provides counseling services, conducts research on trafficking, provides Government funded training to Irish officials, and assists victims who willingly want to return to his or her home country.

- Ireland En Route - Ireland En Route is a Forum on Trafficking of Women and Children for Sexual Exploitation. This is a multi-agency group comprised of Health Service representatives, Garda, members of the GNIB, and NGOs. The forum was set up in 2000 to raise awareness and address some of the issues associated with trafficking of women and children for sexual exploitation. It also attempts to disseminate trafficking information within the group and with other organizations.

- Migrant Rights Center Ireland - The Migrant Rights Center Ireland is a Human Rights advocate for migrant workers and their families. The organization provides information on rights to migrants and lobbies the Government to change the laws and policies that affect these workers.

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15. (U) The number of hours spent compiling this report by embassy employees is as follows:

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POL/ECON Chief Joe Young, FS-02 - 15 hours  
POL/ECON Officer Jennifer Danover, FS-04 - 80 hours  
POL/ECON OMS Anne Marie Witkowski, FS-06 - 2 hours  
POL/ECON Specialist, Peter Glennon, FSN-10 - 10 hours  
CONS Chief Danny Toma, FS-02 - 1 hour

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